

A<sup>9</sup>  
31.(ONCE AMENDED) The method of claim [30] 28, in which said starch is present in the amount of about 0.30% to about 0.75%.

A<sup>10</sup>  
34.(ONCE AMENDED) The method of claim [33] 28, in which said borate is present in the amount up to about 0.35% by weight.

#### REMARKS

Consideration and allowance of this application are respectfully requested. The specification has been amended herein to correct various typographical errors. Claims 30 and 33 have been cancelled, claims 1, 6, 22, 31, and 34 have been amended, and no new claims have been added. Thus, claims 1-29, 31-32, and 34-48 are pending in the application.

With respect to the typographical errors corrected through the instant amendment, at page 6, line 7, the indication of "4 to 10 pounds per cubic foot" has been changed to "3 to 10 pounds per cubic foot" to correct a typographical error. As set forth on the same page at line 9, the "grades in the 3 to 4 pound range are favorable," establishing that the intended range of Perlite densities was 3 to 10, such that the original notation of "4 to 10" was a typographical error. Given such support for this amendment in the specification, it is believed that no new matter is being submitted with this amendment.

Further, at page 15, lines 15-16, the phrases "gypsum at up to about 60% by weight, and", as well as "and more preferably up to about 40% volume by weight" have been added to further clarify the later-described and claimed compositions. Support for both such amendments is present in each of Applicant's claims 1, 4 and 5 as originally filed, all of which specifically provide for "an expanded mineral present at up to about 40% by weight", and "calcium sulfate

present at up to about 60% by weight". "It is well settled that the specification of an application may be corrected or implemented by matter contained in an original claim, and that such matter may form as much a part of the disclosure of an application as if it had appeared in the body of the specification." Bocciarelli v. Huffman, 232 F.2d 647, 109 U.S.P.Q. 385, 588 (C.C.P.A. 1956). Given such support for this amendment in Applicant's claims 1, 4 and 5 as originally filed, which claim necessarily forms part of Applicant's original specification, it is believed that no new matter is being submitted with this amendment.

Further, at page 23, line 1, the phrase "PVAI's is provided in 25% solution with water" has been modified to "PVAI's is provided in 10% to 25%" to correct a typographical error in the specification. Support for this amendment is present in Applicant's claims 1, 6, and 22 as originally filed, each of which provide "a solution comprising a 10% to 25% solution of polyvinyl alcohol to water." Given such support for this amendment in Applicant's claims 1, 6, and 22 as originally filed, which claims necessarily form part of Applicant's original specification, it is believed that no new matter is being submitted with this amendment.

Still further, at page 23, line 2, the range "5% to 30%" has been modified to "0.1% to 30%" to correct a typographical error in the specification. Support for this amendment is present at page 7, line 1 of the specification which particularly sets forth "vinyl acetate emulsions with 0.10% to 30% polyvinyl alcohol were further preferred." Once again, given such support for this amendment in the specification as originally filed, it is believed that no new matter is being submitted with this amendment.

Likewise, at page 23, line 13, the range "10% to 30%" has been replaced with "10% to 25%" to correct the same typographical error referenced above with respect to line 1 of page 23. As above, support for this amendment is present in Applicant's claims 1, 6, and 22 as originally

filed, each of which provide "a solution comprising a 10% to 25% solution of polyvinyl alcohol to water". Given such support for this Amendment in Applicant's claims 1, 6, and 22 as originally filed, which claims necessarily form part of Applicant's original specification, it is believed that no new matter is being submitted with this amendment.

At page 23, line 15, the phrase "[t]he ratio of between 10% to 30% PVAI solution is between 5 and 20 parts PVAI to 80 and 95 parts of PVA emulsion" has been replaced with "[t]he 10% to 25% solution of PVAI to water is provided in the amount of approximately 0.1% to 30% by weight of the PVA emulsion," again to cure the typographical error relating to the dilution of PVAI, and to clarify the amount of such PVAI solution present in terms of the units set forth in the claims (i.e., weight percent) instead of volumetric proportions. Support for this Amendment is present in the specification once again at page 7, line 1, which particularly sets forth "vinyl acetate emulsions with 0.10% to 30% polyvinyl alcohol were further preferred," and in Applicant's claims 1, 6, and 22 as originally filed, each of which provide a solution comprising a 10% to 25% solution of polyvinyl alcohol to water." Once again, given such support for this Amendment in both the specification and in Applicant's claims 1, 6, and 22 as originally filed, which claims necessarily form part of Applicant's original specification, it is believed that no new matter is being submitted with this amendment.

Next, at page 29, line 9, the phrase "amount of" has been deleted in light of the change to line 10, which replaces the phrase "is about 1 to about 30 parts per 100 parts of polymer" with "of the instant invention is preferably provided in a solution comprising a 5% to 30% solution of nonionic ethoxilated alcohol surfactant to water, the solution being present in an amount of approximately 0.1% to 25% of the binder," so as to clarify the concentration of surfactant present in the composition. Support for this amendment is present in Applicant's claims 3, 8, and 36 as

originally filed, which specifically provide for these precise ranges. Given such support for this Amendment in Applicant's claims 3, 8, and 36 as originally filed, it is believed that no new matter is being submitted with this amendment.

Finally, at page 49, line 3, the phrase "in the amount of 0.01% to 10% by weight, and more preferably from 0.01% to about 0.7% by weight," has been added to clarify the amount of sodium trimetaphosphate present in the composition. Support for the range of 0.01% to 10% is present in Applicant's claim 2 as originally filed, while support for the range of 0.01% to about 0.7% is present in Applicant's claim 2 as originally filed and Example 2 on page 50, line 10. Yet again, given such support for this Amendment in Applicant's claim 2 as originally filed, in addition to the specification itself as originally filed, it is believed that no new matter is being submitted with this amendment.

Claims 1, 6, and 22 have been amended to reflect the fact that the 10% to 25% solution of polyvinyl alcohol to water is present in the composition in an amount of approximately 0.1% to about 30% of the vinyl acetate emulsion, thus correcting the typographical error in those claims of a 0.1% to about 25% concentration. As explained above, support for this amendment is set forth at page 7, line 1 of the specification which particularly sets forth "vinyl acetate emulsions with 0.10% to 30% polyvinyl alcohol were further preferred."

Finally, as claims 30 and 33 have been cancelled, claims 31 and 34 have been amended to reflect proper claim dependency.

In sum, it is believed that none of the amendments presented herein provide any new matter, and that each one serves only to correct typographical errors in the application as originally filed. It is further believed that this application is in condition for allowance, and a Notice to this effect is respectfully requested.

Respectfully submitted,

1/10/01  
Date

Gregory M. Stone  
Gregory M. Stone (Reg. No. 43,165)  
Attorney for Applicant  
Whiteford, Taylor & Preston L.L.P.  
Seven Saint Paul Street  
Baltimore, Maryland 21202-1626  
(410) 659-6402

1323068